

Message Text

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C O N F I D E N T I A L STATE 183842

E.O. 11652: GDS

TAGS: SHUM, HO

SUBJECT: DRAFT HUMAN RIGHTS EVALUATION REPORT

REF: STATE 140421

1. FOLLOWING IS DRAFT HUMAN RIGHTS EVALUATION REPORT FOR HONDURAS, DEPICTING THE HUMAN RIGHTS SITUATION THERE AND SUGGESTING POSSIBLE STRATEGY FOR DEALING WITH THOSE PROBLEMS WHICH EXIST. THE EMBASSY IS REQUESTED TO SUPPLEMENT, AMEND OR OTHERWISE COMMENT UPON THE DRAFT IN ORDER TO ENSURE ACCURATE REFLECTION OF CURRENT CONDITIONS AND OF APPROACHES LIKELY TO BE FRUITFUL. AS YOU WILL NOTE, THIS DRAFT REFLECTS THE HUMAN RIGHTS REPORT PROVIDED IN MARCH OF THIS YEAR, THERE HAVING BEEN LITTLE CHANGE SINCE THAT TIME AS FAR AS WE ARE AWARE. YOU ARE REQUESTED TO CITE RECENT OCCURRENCES WITH HUMAN RIGHTS IMPLICATIONS: E.G., GOVERNMENT FORCES CONFRONTING SQUATTERS, ALLEGED CONFIDENTIAL

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ABUSES OR MURDERS, ETC. FOR EXAMPLE, AN AUGUST 4 NEW YORK TIMES ARTICLE BY ALAN RIDING REFERS TO THE CLOSING OF SEVERAL PARISHES IN THE ORLANCHO REGION, THE EXPULSION OF AMERICAN PRIEST REVEREND EVARIST BERTRAND, AND THE ATTEMPTED ASSASSINATION OF FATHER EMILIO. QUOTATION OF THE HONDURAN CATHOLIC CHURCH WAS CITED: QUOTE: THE SITUATION OF THE HONDURAN CATHOLIC CHURCH IN OLANCHO IS NO DIFFERENT FROM THAT OF THE CHURCH IN EL SALVADOR. HERE

THERE IS ALSO A CLIMATE OF VIOLENCE AGAINST OUR BROTHERS

AND SISTERS. END QUOTE.

2. BEGIN DRAFT:

HONDURAS IS OFTEN CITED AS A CENTRAL AMERICAN COUNTRY WITH A COMPARATIVELY GOOD HUMAN RIGHTS RECORD DURING THE PAST YEAR OR SO. THIS IMAGE DOES NOT, OF COURSE, REDUCE THE NEED TO SEEK IMPROVEMENT OF HUMAN RIGHTS CONDITIONS IN HONDURAS WHERE NEEDED.

3. CONDITION OF HUMAN RIGHTS IN HONDURAS.

4. RESPECT FOR THE INTEGRITY OF THE PERSON.

A. THE RIGHTS TO LIFE, LIBERTY AND SECURITY OF THE PERSON ARE GENERALLY RESPECTED IN HONDURAS, ALTHOUGH IN RURAL AREAS THERE HAVE BEEN INSTANCES OF VIOLATION OF THESE RIGHTS, AS IN OLANCHO IN 1975 WHEN SEVERAL PEASANTS AND TWO PRIESTS WERE KILLED, ALLEGEDLY BY A LANDOWNERS' GROUP WHICH INCLUDED SOME LOCAL MILITARY OFFICIALS. THERE HAVE BEEN A NUMBER OF INSTANCES WHEN GOVERNMENT FORCES HAVE CONFRONTED PEASANT SQUATTERS ON PRIVATE LAND. NORMALLY, HOWEVER, SUCH EVICTION ACTIONS HAVE NOT RESULTED IN CONFIDENTIAL

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DEATHS OR BLOODY ENCOUNTERS. (THERE HAVE EVEN BEEN INSTANCES WHEN THE GOVERNMENT OF HONDURAS HAS PERMITTED THE PEASANTS TO REMAIN UPON THE PRIVATE PROPERTY THEY HAVE OCCUPIED.) THOSE ABUSES OF THIS CATEGORY OF HUMAN RIGHTS WHICH DO OCCUR ARE ISOLATED, NOT CONSTITUTING AN OFFICIALLY CONDONED SYSTEMATIC PATTERN OF INHUMANE TREATMENT.

B. THE AGRARIAN CRISIS IN HONDURAS REACHED A PEAK IN JUNE 1975 WHEN, AS THE AMNESTY INTERNATIONAL REPORT 1975-76 NOTED, THE PEASANT OCCUPATION OF UNUSED BUT CULTIVABLE LAND "LED TO MASSIVE ARREST" AS WELL AS VIOLENT VIGILANTE COUNTERACTION BY LANDLORDS OF THE LARGE ESTATES AND THEIR ARMED GUARDS." THIS CRISIS TOOK PLACE IN OLANCHO PROVINCE IN JUNE 1975, RESULTING IN THE DEATH OF A NUMBER OF PEASANT LEADERS AS WELL AS THE MURDER OF SEVERAL OTHERS, PLUS AN AMERICAN PRIEST, FOLLOWING DETENTION. IN JULY 1975 AMNESTY INTERNATIONAL WROTE TO PRESIDENT MELGAR, TO EXPRESS CONCERN OVER THE KILLINGS AND THE APPARENT FAILURE OF THE AUTHORITIES TO INVESTIGATE. AMNESTY ALSO WROTE TO ALL MEMBERS OF THE HONDURAN CABINET. IN DECEMBER 1975 AMNESTY WROTE AGAIN TO PRESIDENT MELGAR, TO EXPRESS RECOGNITION OF THE GOVERNMENT'S EFFORTS TO RESOLVE THE AGRARIAN CRISIS, INCLUDING THE FREEING OF THE PEASANT LEADERS AND THE PROSECUTION OF THOSE RESPONSIBLE

FOR THE OLANCHO AFFAIR. IN MAY 1976 AN AMNESTY MISSION

TO HONDURAS "ENJOYED THE FULL COOPERATION OF THE GOVERNMENT."

FREEDOM HOUSE LISTS HONDURAS AS "PARTLY FREE."

C. THE JUDICIAL SYSTEM IN HONDURAS IS NOT AS EFFECTIVE AS IN DEVELOPED DEMOCRACIES AND REFORM OF ITS ADMINISTRATION IS AN OBJECTIVE OF THE SUPREME COURT'S CHIEF JUSTICE. EASE OF ACCESS TO LEGAL REDRESS OF GRIEVANCES
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VARIES ACCORDING TO THE SOCIO-ECONOMIC OR POLITICAL STANDING OF THE INDIVIDUAL.

D. ARBITRARY DETENTION FOR POLITICAL REASONS IS RARE AND THERE ARE NO KNOWN POLITICAL PRISONERS IN THE COUNTRY. HONDURAN LAW PROVIDES FOR AN ARRAIGNMENT HEARING SHORTLY AFTER ARREST AND THIS APPEARS TO BE THE RULE IN MOST CASES. THERE APPEAR TO BE NO DELIBERATE VIOLATIONS OF THIS LAW ALTHOUGH HEARINGS MAY SOMETIMES BE DELAYED DUE TO ADMINISTRATIVE INEFFICIENCY. TRIALS ARE REGARDED AS REASONABLY FAIR AND THE OVERALL JUDICIAL SYSTEM IS RESPONSIBLY HANDLED, IN GENERAL. EXILE IS NOT EMPLOYED AS A PUNISHMENT, ALTHOUGH SOME OPPOSITION POLITICAL FIGURES AND MEMBERS OF FORMER REGIMES HAVE GONE INTO VOLUNTARY EXILE. WE HAVE NO RECENT REPORTS OF TORTURE.

5. RESPECT FOR CIVIL AND POLITICAL LIBERTIES.

A. SINCE A COUP IN 1972, POLITICAL POWER IN HONDURAS HAS BEEN EXERCISED BY THE MILITARY, THE LEGISLATURE HAVING BEEN SUSPENDED, AND THE ROLE OF POLITICAL PARTIES DIMINISHED. OTHER PROVISIONS OF THE 1965 CONSTITUTION, HOWEVER, HAVE REMAINED IN EFFECT. CURRENTLY, AN ADVISORY COUNCIL TO THE CHIEF OF STATE IS DRAFTING AN ELECTORAL AND POLITICAL INSTITUTIONS LAW PREPARATORY FOR AN ELECTION SCHEDULED FOR 1979. THE SUCCESSFUL OCCURRENCE OF THE ELECTION WILL SIGNAL A RETURN TO A FREE CONSTITUTIONAL GOVERNMENT. POLITICAL PARTIES HAVE ALREADY BEGUN TO FORM OR REVIVE TO ARTICULATE THEIR IDEOLOGICAL PLATFORMS. ALTHOUGH THERE HAVE BEEN REPORTS OF SOME INDIVIDUAL OFFICIALS' DISPLEASURE WITH CERTAIN POLITICAL GROUPS, THE GOVERNMENT OF HONDURAS SEEMS TO BE CONSCIENTIOUSLY ADHERING TO A POLICY OF OPEN, AUTHENTIC PARTICIPATION IN THE
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POLITICAL PROCESS. EXEMPLIFYING THAT OUTLOOK WAS THE GOVERNMENT'S RECENT PROHIBITION AGAINST THE MILITARY'S PARTICIPATION IN THE VOTING PROCESS - TO AVERT INTIMIDATION OR DISPROPORTIONATE INFLUENCE UPON THE ELECTORATE

BY THAT POWERFUL SECTOR. THE NOTABLE EXCEPTION IS THE CONTINUED BAN AGAINST THE COMMUNIST PARTY.

6. POLICIES DESIGNED TO RESPOND TO THE NEED OF THE POOR. IN 1975 THE GOVERNMENT OF HONDURAS EMBARKED ON AN AMBITIOUS FIVE-YEAR DEVELOPMENT PLAN, THE PRIMARY OBJECTIVES OF WHICH ARE TO INTEGRATE THE RURAL POOR INTO THE NATIONAL ECONOMY, AND SUBSTANTIALLY INCREASE SOCIAL SERVICES IN RURAL AREAS.

A. FOOD PRODUCTION: INCREASED AGRICULTURAL PRODUCTION RECEIVES SPECIAL EMPHASIS IN THE FIVE-YEAR NATIONAL DEVELOPMENT PLAN WITH AGRARIAN REFORM BEING THE KEY TO INCREASED PRODUCTION. PROGRAMS NOW UNDERWAY OR PROPOSED INCLUDE EXPANDED AVILABILITY OF AGRICULTURAL CREDIT; INTEGRATED DEVELOPMENT OF FERTILE VALLEYS; DEVELOPMENT OF APPROPRIATE TECHNOLOGIES AND NEW AND IMPROVED CROPS, STRENGTHENED AGRICULTURAL RESEARCH AND FARM PLANNING; AND AN IMPROVED AGRICULTURAL EXTENSION SERVICE. A NEW COORDINATING BODY TO OVERSEE NUTRITION ACTIVITIES, INCLUDING PRODUCING NEW FOOD CROPS HAS BEEN FORMED.

B. HEALTH: EFFORTS IN THE HEALTH AREA INCLUDE A NATIONAL PROGRAM FOR EXPANDING BASIC HEALTH CARE AND FAMILY PLAN-
NING SERVICES IN RURAL AREAS THROUGH CONSTRUCTION OF 500 HEALTH POSTS BY 1980, AND TRAINING PARAMEDICS TO STAFF HEALTH POSTS.

C. EDUCATION: THE PRINCIPAL EDUCATION OBJECTIVES OF THE NATIONAL DEVELOPMENT PLAN ARE TO IMPROVE ACCESS TO EDUCA-
TION FOR PRIMARY SCHOOL CHILDREN AND FOR OUT-OF-SCHOOL YOUTH AND ADULTS; CHANGE THE CONTENT OF EDUCATION TO MEET RURAL NEEDS; AND IMPROVE MIDDLE LEVEL AND VOCATIONAL
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EDUCATION. THE MINISTRY OF EDUCATION'S NATIONAL EDUCA-
TIONAL REFORM COMMISSION IS MODIFYING PRE-PRIMARY AND PRIMARY CURRICULA. THE GOVERNMENT HAS INITIATED A RURAL CENTRAL AND SATELLITE SCHOOLS PROGRAM AND HAS SIGNIFICANTLY INCREASED ITS BUDGET FOR PRIMARY SCHOOL TEACHERS.

D. SHELTER: THE GOVERNMENT HAS FINANCED THE CONSTRUCTION ON A PILOT BASIS OF LOW COST HOME FOR THE RURAL POOR.

E. CORRUPTION: THERE HAVE BEEN INSTANCES OF SIGNIFICANT CORRUPTION, BUT THE LEVEL IS NOT PRESENTLY BELIEVED EX-
CEPTIONAL FOR A COUNTRY OF HONDURAS' LEVEL OF DEVELOPMENT.

7. GOVERNMENT RESPONSIBILITY FOR HUMAN RIGHTS RECORD.

THE GOVERNMENT OF HONDURAS HAS REPEATEDLY EXPRESSED ITS INTENTION TO RESTORE THE CONSTITUTIONAL GOVERNMENT TO POWER. EVEN UNDER PRESENT CIRCUMSTANCES, INTEREST GROUPS

SUCH AS TRADE UNIONS, PEASANT FEDERATIONS AND PRIVATE

SECTOR ORGANIZATIONS HAVE SIGNIFICANT IMPACT UPON POLICY QUESTIONS. THE ABSOLUTE FREEDOM OF THE PRESS IN HONDURAS PROVIDES A SPOTLIGHT ON GOVERNMENT ACTION, KEEPING UNDER CLOSE SCRUTINY THE GOVERNMENT'S ACTIONS AND REACTIONS ON SUCH MATTERS AS PEASANT SQUATTING ON UNUSED LAND. GOH SPOKESMEN HAVE FREQUENTLY EXPRESSED PRIDE IN THE PRESENT HUMAN RIGHTS RECORD.

8. WE HAVE NO REASON TO BELIEVE THAT THE GOH WOULD NOT ACCEPT OUTSIDE INVESTIGATION BY AN INTERNATIONALLY PRESTIGIOUS HUMAN RIGHTS ORGANIZATION SUCH AS THE OAS HRC.

9. ANALYSIS AND RECOMMENDATIONS:
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1. THE PRINCIPAL TACK WHICH THE U.S. SHOULD TAKE IN DEALING WITH HONDURAS ON HR MATTERS SHOULD BE ONE OF STRAIGHTFORWARD BUT QUIET DIPLOMACY. THERE ARE NO MAJOR PROBLEMS OVERSHADOWING OUR BILATERAL RELATIONS WITH HONDURAS. WE CAN MAINTAIN THE PRESENT TENOR OF OUR DIALOGUE ON HUMAN RIGHTS AS WELL AS OTHER SUBJECTS THROUGH CONTINUED DEFT HANDLING AND AVOIDANCE OF A PATRONIZING STANCE. THE USG SHOULD SEEK MEANS OF EMPHASIZING ITS APPRECIATION OF THE COMPARATIVELY GOOD HUMAN RIGHTS RECORD OF HONDURAS. THIS IS NOT TO SAY THAT WE SHOULD "REWARD" THE GOH BUT THAT WE SHOULD BE CAPABLE OF USING POSITIVE LEVERAGES AS WELL AS NEGATIVE OR PUNITIVE ONES.

2. THE GOH HAS RESPONDED TO US HUMAN RIGHTS POLICY AND EMBASSY STATEMENTS THEREON IN MAINLY TWO VEINS: (A) THAT HONDURAS ENJOYS A MUCH BETTER SITUATION THAN MOST COUNTRIES; WITNESS ITS FREE PRESS; AND (B) SOME IRRITATION AT THE INFRINGEMENT ON HONDURAN SOVEREIGNTY IMPLIED IN THE U.S. HUMAN RIGHTS POLICY. NO GROUPS WITHIN HONDURAS HAVE CONTENDED THAT THE GOH (DISTINCT FROM INDIVIDUAL OFFICIALS, PRIMARILY IN SOME RURAL AREAS) SYSTEMATICALLY ENGAGES IN HUMAN RIGHTS VIOLATIONS. AS WITHIN THE GOVERNMENT, OTHER FACTORS IN HONDURAN SOCIETY HAVE ALSO HAD MIXED REACTIONS TO OUR POLICY. THE U.S. AMBASSADOR IN HONDURAS IS CONSIDERED AN AMICUS CURIAE BY THE GOVERNMENT AND THEREFORE HAS BEEN ABLE TO DISCUSS HUMAN RIGHTS WITHOUT INCURRING THE RANCOR OF HONDURAN OFFICIALS.

(3) UNLESS THE USA SUDDENLY BECOMES VERY UNADROIT IN CONVEYING ITS HUMAN RIGHTS MESSAGE TO THE GOH, CHANGES IN THE HUMAN RIGHTS CONDITIONS IN HONDURAS ARE UNLIKELY TO BE DETERMINED PRINCIPALLY BY U.S. POLICY. A MORE PROBABLE FACTOR WILL BE THE EFFECT OF PRE-ELECTORAL ACTIVITIES IN THE COUNTRY. AS MORE POLITICAL GROUPS ARE

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FORMED AND ARTICULATE THEIR VIEWS, BEGINNING THE COMPETITIVE CAMPAIGN FOR THE 1979 ELECTION, THERE IS LIKELY TO BE AN INCREASE IN INCIDENTS WHICH MIGHT RAISE QUESTIONS ABOUT THE POLITICAL PROCESS AND ITS OPENNESS. THE U.S. MAY BE ABLE TO TEMPER ANY POTENTIALLY EXCESSIVE REACTIONS BY THE GOH BY EXPRESSING QUIETLY OUR HOPE THE DEMOCRATIC PROCESS WILL BE OBSERVED IN ACTION AND SPIRIT.

(4) (A) NOT APPLICABLE.

(B) HONDURAS SUPPORTS IN PRINCIPLE MOVES TO PROMOTE HUMAN RIGHTS THROUGH THE OAS, ALTHOUGH IT CHOSE NOT TO VOTE WITH US ON HUMAN RIGHTS RESOLUTION AT THE RECENT OAS GENERAL ASSEMBLY MEETING, ACCORDING TO GOH OFFICIALS, THROUGH RELUCTANCE TO OFFEND ITS CENTRAL AMERICAN NEIGHBORS. ALTHOUGH ALWAYS WITH A CAUTIOUS EYE ON THE PERENNIAL QUESTION OF SOVEREIGNTY, WITH PROPER LOBBYING, WE SHOULD BE ABLE TO PERSUADE HONDURAS TO SUPPORT MULTILATERAL HUMAN RIGHTS APPROACHES AND NOT OPPOSE U.S. EFFORTS TO PROMOTE HUMAN RIGHTS THROUGH GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS. CHRISTOPHER

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